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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

REPUBLIC OF MOLDOVA

1. The Committee considered the initial, second, third and fourth periodic reports of the Republic of Moldova (CERD/C/372/Add.2), which were due on 1 March 1994, 1996, 1998 and 2000 respectively, at its 1505th and 1506th meetings (CERD/C/SR.1505 and 1506), held on 11 and 12 March 2002. At its 1517th meeting (CERD/C/SR.1517), held on 19 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the delegation of the Republic of Moldova, which contains relevant information on the implementation of the provisions of the Convention in the State party. The Committee welcomes the opportunity to initiate an open and constructive dialogue with the State party. While noting that the report was not adequately structured in terms of the guidelines for the preparation of reports, the Committee appreciates the additional information provided by the State party delegation during its oral presentation.

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* Please note that the symbol CERD/C/Session No./CO/... will from now on replace the previous symbol CERD/C/304/Add...

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the State party is going through a difficult period of transition and is facing serious economic and social challenges. Further, the State cannot exercise its jurisdiction on part of its territory, the region of Transnistria, because of the ethnic conflict. The Committee is concerned about the impact of the conflict on the implementation of the Convention.

C. Positive aspects

4. The Committee welcomes the ratification by the State party of numerous international human rights instruments which are relevant to issues relating to the elimination of racial discrimination.

5. The Committee notes with satisfaction the efforts undertaken by the State party to ensure the promotion and protection of human rights through the adoption of the 1994 Constitution, which guarantees a wide spectrum of human rights, the 1990 Citizenship Law, the entry into force of the 1997 Law on Public Associations, the 1995 Law on the Press, the Laws on Public Education and Audio-Visual Broadcasting, the 1994 Law on Libraries and the proposed amendments in line with various treaty obligations.

6. The Committee welcomes the decrees which the State party has adopted with the purpose of ensuring the functioning and development of languages of ethnic minorities and the development of the national culture of minorities, including Ukrainian, Russian, Jewish and Bulgarian groups. The Committee commends that the State party continue its efforts aimed at facilitating access to education in their mother tongue for members of minorities.

7. The Committee notes the establishment of specialized institutions, demonstrating the commitment of the State party to combating racial discrimination, such as the Parliamentary Committee on Human Rights, Religious Groups, Ethnic Minorities and External Communities, the Department for National Relations and Languages, the State Service on Religious Issues, the Presidential Commission on Interethnic Relations and the Prosecutor for Minorities.

8. The Committee notes with satisfaction the efforts undertaken by the State party to implement human rights education programmes, including those intended for law enforcement officials. The Committee further notes the efforts undertaken by the State party to disseminate information on human rights and, in particular, the rights of minorities in its territory.

9. The Committee notes that the socio-economic development plans of the State party are aimed at the improvement of inter-ethnic relations.

D. Concerns and recommendations

10. The Committee notes the absence in the report of disaggregated data on the population that would provide detailed information on the ethnic composition in Moldova. The Committee recommends that the State party provide relevant data in its next periodic report, in order to facilitate understanding of the ethnic characteristics of the population.

11. The Committee notes the absence of examples of implementation of the provisions of the Convention in practice. The Committee recommends that the State party include in its next periodic report information on the implementation in practice and on the monitoring of articles 4 and 6 of the Convention, as well as data on incidents of racial discrimination in the State party. Information should also be provided on effective penalties and sanctions imposed in cases of conviction for racial discrimination or racism.

12. With regard to the constitutional and legal provisions aimed at the protection of the rights of persons belonging to ethnic minority groups, the Committee recommends that the State party take measures to guarantee more fully for ethnic minority groups, economic, social and cultural rights, as defined in article 5 (e) of the Convention, including the rights to work and to adequate housing, and that it include more detailed information in its next periodic report on the implementation of the provisions of article 5 (e).

13. Landlessness has been reported among persons belonging to some minorities previously working in collective farms, as a consequence of privatization of land held by collective farms of the Soviet era. Information on remedial measures taken by the State party to address the economic condition of the landless ethnic minorities should be given in the next periodic report.

14. With regard to article 7 of the Convention, the Committee recommends that the State party continue and extend its educational and cultural programmes in order to raise public awareness of issues of racism and racial discrimination. The Committee invites the State party to provide in its next report detailed information on the educational system, on the role of institutions or associations working to develop national culture and traditions, and on the role of the State and mass media in combating racial prejudices. The Committee also recommends that the State party ensure that minorities and ethnic groups in its territory receive information and education in their respective languages.

15. The Committee notes reports according to which, after the tragic events of 11 September 2001 in the United States, a parliamentary inquiry was conducted into the alleged existence of terrorists among students of Arab origin at the International Independent University of Moldova. The State party should ensure that actions taken should follow due process of law and that they avoid any suspicion of racial profiling.

16. The Law on Advertisements states that an advertisement is regarded as immoral if, inter alia, it makes defamatory comparisons and images with respect to race, nationality, social origin or language. The State party should provide detailed information in its next periodic report on the sanctions provided in such cases and whether there have been convictions for publishing immoral advertisements.

17. The Committee is concerned at reports of police violence against persons belonging to minority groups, in particular the Roma population. The Committee recommends that the State party take all necessary measures to prevent and punish excessive use of force by law enforcement officials against minorities. Steps should also be taken for the education and sensitization of law enforcement officials about the provisions of the Convention. Due account

should be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.

18. The Committee expresses its concern about reports that minorities experience discrimination in the areas of employment, housing, education and health care. It is also concerned at reports that the Roma population is sometimes denied access to, and service in, places intended for the general public. The Committee recommends that the State party undertake effective measures to eradicate practices of discrimination against minorities and, in particular, the Roma population. It also recommends that the State party include in its next periodic report information on the impact of the measures taken to improve the situation of the Roma population, in the light of general recommendation XXVII.

19. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention and invites the State party to consider the possibility of doing so.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

22. The Committee recommends that the reports of the State party be made available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

23. The Committee recommends that the State party submit its fifth periodic report jointly with its sixth periodic report, due on 25 February 2004, that it be an updating report and that it address all points raised in the present observations.

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